

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DOCKET NO. 3:06-CV-396

MEINEKE CAR CARE CENTERS, INC., )

Plaintiff, )

vs. )

**DEFAULT JUDGMENT**

THOMAS R. BURTON, AUTO EXPRESS )

INC., NANCY BURTON, AND )

CHARLES E. GARRISON, )

Defendants. )

**THIS CAUSE, COMING TO BE HEARD, AND BEING HEARD** before the undersigned, upon the motion and request of Plaintiff, Meineke Car Care Centers, Inc., for entry of default judgment against Defendant Thomas R. Burton; and

**IT APPEARING TO THE COURT** that the Verified Complaint was filed and Summons issued in this action on September 19, 2006, which Complaint and Summons were served on Defendant Thomas R. Burton on October 18, 2006; and

**IT FURTHER APPEARING TO THE COURT** that Meineke has voluntarily dismissed its claims against Defendants Auto Express, Inc., Nancy Burton and Charles E. Garrison and Meineke has voluntarily dismissed its claims against Defendant Thomas R. Burton with the exception of its monetary claims for breach of contract; and

**IT FURTHER APPEARING TO THE COURT** that no answer or other responsive pleading was timely served or filed by Defendant Thomas R. Burton and no extension of time to serve or file such a pleading has been granted and that the time for Defendant Thomas R. Burton to serve or file an answer or otherwise respond to Meineke's Verified Complaint has expired; and

**IT FURTHER APPEARING TO THE COURT** that based on the default of Defendant Thomas R. Burton having been duly entered according to law, and upon the application of

Plaintiff in this action, judgment should be entered against Defendant R. Burton pursuant to the Prayer for Relief of Meineke's Verified Complaint and its Motion for Default Judgment.


**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**  
that:

1. Meineke have and recover from Defendant Thomas R. Burton a judgment in the amount of \$17,157.13, representing past due franchise fees and advertising contributions owed to Meineke, plus interest from the date of entry of judgment at the federal rate set forth in 28 U.S.C. § 1961(a).

2. Meineke have and recover from Defendant Thomas R. Burton a judgment in the amount of \$28,923.62, representing the principal balances remaining on the Franchise and Advertising Promissory Notes that Defendant Thomas R. Burton executed in favor of Meineke, plus interest from the date of entry of judgment at the federal rate set forth in 28 U.S.C. § 1961(a).

**IT IS SO ORDERED.**

Signed: June 4, 2007

  
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Frank D. Whitney  
United States District Judge

